

ORDINANCE 1579

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, DECLARING AN EMERGENCY AND ADOPTING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR DEVELOPMENT PERMITS AND APPROVALS WITHIN COTTAGE RESIDENTIAL (CR) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE

WHEREAS, in 2015 the residents of North Bend elected three new members to the seven-member City Council, and the City Council desires to ensure that its collective vision for development within the City is considered and implemented; and

WHEREAS, the City Council has determined that it is important for the full City Council to have the opportunity to thoughtfully deliberate public policy matters related to residential land use development within the City, in order to best ensure consistency with the City Council's and residents' vision and mission for the City; and

WHEREAS, the City has received and approved numerous subdivision and short subdivision applications for residential development in the recent past, the result of which is that nearly 800 additional residential housing units are now approved for construction; and

WHEREAS, the City Council requires additional time to collectively consider and adopt its land use vision for the City and to achieve a strategic vision for residential growth in the City; and

WHEREAS, the City Council also requires additional time to analyze the impacts of recent downzones in Low-Density Residential (LDR) zones and Constrained Low-Density Residential (CLDR) zones; and

WHEREAS, the City Council is in the process of reviewing zoning regulations related to multi-family and high density residential uses within certain Overlay Zoning Districts; and

WHEREAS, in particular, the City Council has determined that its currently adopted zoning and other development regulations for the Cottage Residential (CR) zoning district should be further analyzed and reviewed, and potentially amended, prior to the vesting of any further applications for Cottage Residential development; and

WHEREAS, the vesting of additional development applications prior to the development of a strategic vision for residential growth and completion of the necessary analysis to these zoning regulations could frustrate the City Council's vision for residential development in the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact: The City Council adopts as findings of fact the recitals set forth above, which are incorporated herein by reference.

Section 2. Moratorium Imposed: Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a moratorium is hereby imposed in the City of North Bend upon the acceptance of land use permits, development permits, building permits, conditional use permits, special use permits, variances, rezones, and all other types of development permits or approvals for all property zoned Cottage Residential (CR).

Section 3. Exemptions: The moratorium imposed by Section 2 of this Ordinance shall not apply to the following:

- A. Permits and approvals for churches, synagogues, and temples or for educational service uses or park and recreational uses;
- B. Permits and approvals for additions or alterations to existing residential structures when such additions or alterations do not result in the creation of new residential units, and permits for structures replacing pre-existing residential or commercial structures destroyed by fire or other unintentional casualty;
- C. Permits and approvals for government services, including, but not limited to streets, utilities, and surface water improvements;
- D. Permits and approvals for signs; and
- E. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage.

Section 4. Referral to Mayor: The Mayor is requested to direct City Staff to analyze issues related to residential land use development within the City, and to prepare recommendations for consideration by members of the public, members of the development community, the Planning Commission, and the City Council.

Section 5. Public Hearing: Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will hold a public hearing and may adopt additional findings of fact regarding this moratorium within 60 days of the adoption of this Ordinance.

Section 6. Duration/Renewal: The moratorium imposed by this Ordinance shall be in

effect for a period of six months from the date this ordinance is passed and shall automatically expire at the conclusion of that six-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

Section 7. Severability: If any one or more section, subsection, or sentence of this Ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

Section 8. Effective Date: This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the “WHEREAS” clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 16TH DAY OF FEBRUARY, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: February 24, 2016

Effective: February 16, 2016

Susie Oppedal, City Clerk